

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWARD HAVEY, J-05659,	)	
	)	
Petitioner,	)	No. C 15-0114 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
J. SOTO, Warden,	)	(Dkt. #2)
	)	
Respondent.	)	
_____	)	

Petitioner, a state prisoner incarcerated at California State Prison, Los Angeles County in Lancaster, California, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1994 conviction from Alameda County Superior Court. His first federal habeas petition was denied on the merits in 2001. See Havey v. Hubbard, No. C 97-2330 CRB (PR) (N.D. Cal. July 9, 2001) (order denying petition for writ of habeas corpus).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The instant petition accordingly is DISMISSED without prejudice to refiling if petitioner obtains the necessary order.

1 Based solely on petitioner's affidavit of poverty, his application for leave  
2 to proceed in forma pauperis (dkt. #2) is GRANTED.

3 The clerk shall close the file and terminate all other pending motions as  
4 moot.

5 SO ORDERED.

6 DATED: January 13, 2015

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9 CHARLES R. BREYER  
10 United States District Judge  
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